

Wausau's Comments in Response to USEPA's Preliminary Decision of June 2, 1992

EXHIBIT 8

- Wausau's Letter dated June 25, 1992

WILLIAM V. JOHNSON
JOHN W. BELL
JACK T. RILEY, JR.
BRIAN C. FETZER
THOMAS H. FEGAN
DONALD N. HOPPE
THOMAS W. MURPHY
PAMELA L. GELLEN
THOMAS J. ANDREWS
WILLIAM G. BEATTY
JOHN A. CHILDERS
ROBERT L. NORA
MARGARET A. UNGER
TIMOTHY J. MCKAY
EDWARD M. RUBIN
PAUL J. WISNER
H. PATRICK MORRIS
ROBERT A. TOWNSEND
SCOTT W. HOYNE
JAMES S. STICKLES, JR.
FREDERICK S. MUELLER
JOSEPH R. MARCONI
FREDERICK H. BRANDING
CORNELIUS J. HARRINGTON III
THOMAS MURPHY
MICHAEL B. GUNZBURG
CHARLES W. PLANCK
ROBERT M. BURKE
EDWARD D. O'ARCY, JR.
DEBRA A. DIMAGGIO
MICHAEL P. SIAVEUS
WILLIAM A. GEISER
THOMAS J. KOCH
KURT C. MEIHOFFER
KEVIN G. OWENS
STEVEN I. RAPAPORT

JOHNSON & BELL, LTD.

ATTORNEYS AT LAW
SUITE 2200
222 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60601

TELEPHONE (312) 372-0770
FACSIMILE (312) 372-9818

SUITE 1840
2100 MANCHESTER ROAD
WHEATON, ILLINOIS 60187
TELEPHONE (708) 510-0880
FACSIMILE (708) 510-0939

WRITER'S DIRECT DIAL NUMBER
(312) 984-6666

June 25, 1992

file copy

WILLIAM J. ANAYA
DEAN M. ATHANS
LEO G. AUBEL
GREGORY R. BART
FRANK S. CAPUANI
TERRENCE S. CARDEN
NANCY K. CARON
ROBERT J. COMFORT
GREGORY D. COMFORT
LARRY A. CHO
DENNIS C. CUSACK
JEFFREY W. DEER
DANIEL A. DUPRE
NANCY G. ENDERBY
LAURA B. GLASER
ALAN JAY GOLDSTEIN
KEVIN J. GREENWOOD
SUSAN MARZEC HANNIGAN
JAMES P. JOHNSTON
JANET A. KACHOYEANOS
ANDREA H. KOTT
GENEVIE F. LABUDA
BRUCE M. LICHTSIEIN
KATHRYN K. LOFT
THOMAS J. LYMAN, III
EMILIO E. MACHADO
DAVID M. MACKSEY
ROBERT J. MALMROSE
DANIEL C. MURRAY
BRIAN P. O'NEILL
KARYN L. ORDOWER
RICHARD C. PERNA
THOMAS F. POELKING
CHARLES P. RANTIS
MARILYN MCCABE REIDY
RICHARD J. ROSENBLUM
ANN M. SMITH
ROBERT SPITKOVSKY, JR.
VINCENT J. STARK
TERRY A. TAKASH
PAUL A. TANZILLO
GERALD T. TSCHURA
STEVEN F. WITTMAN

VIA CERTIFIED MAIL AND MESSENGER

United States Environmental Protection Agency (5-RA)
Region V
77 West Jackson Street
19th Floor
Chicago, Illinois 60604-3590

Attention: Valdas K. Adamkus, Regional Administrator, Region V

RE: Employers Insurance of Wausau
Petition for Reimbursement (42 U.S.C. § 9606(b)(2))
CIW Site; Romulus, Michigan

Dear Mr. Adamkus:

On June 8, 1992, we received the U.S. Environmental Protection Agency's ("USEPA" when referring to both the Agency Headquarters in Washington, D.C., and Region V Offices in Chicago, Illinois; and the "Agency" when referring to the Agency Headquarters in Washington, D.C.; and the "Region" when referring to the Region V Office in Chicago, Illinois) "preliminary decision" of June 2, 1992 and "Subject Index for CIW Site, Romulus, Michigan" relating to the above-referenced matter. Inasmuch as the Director of the Office of Waste Programs Enforcement (OWPE), Bruce M. Diamond, provided you with a copy of the "preliminary decision" of June 2, 1992, we hereby forward this correspondence to you, on behalf of the Region, for your review and response.

In its "preliminary decision" of June 2, 1992, the Agency referred to various correspondence it received from the Region, most notably correspondence from Mr. Brett L. Warning of the Region, to Mr. Fred Zimmerman of the Agency, dated April 29, 1992, which correspondence formed a part of the basis of the Agency's "preliminary decision" regarding Employers Insurance of Wausau's (Wausau) Petition for Reimbursement. We have recently obtained a copy of the Region's correspondence to Mr. Fred Zimmerman dated April 29, 1992, and in order for Wausau to comment on the Agency's

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 2

"preliminary decision" of June 2, 1992, we respectfully request the following information and documents relating to the conclusions stated in the Region's April 29, 1992 correspondence, as well as those comments and conclusions stated in the correspondence we also received from the Region dated June 10, 1991 and August 9, 1991:

INITIAL REQUESTS

1. Inasmuch as the Region has addressed various issues relating to Wausau's Petition for Reimbursement and compliance with the Order and ERAP in various items of correspondence, please identify and list the specific documents the Region reviewed and relied upon in preparing the following correspondence:

- a. TO: Mr. Fred Zimmerman, OWPE, dated April 29, 1992;
- b. TO: Mr. Frederick S. Mueller, dated August 9, 1991;
- c. TO: Mr. Frederick S. Mueller, dated July 3, 1991;
- d. TO: Mr. Frederick S. Mueller, dated July 8, 1991;
- e. TO: Mr. Frederick S. Mueller, dated June 10, 1991; and
- f. TO: Mr. Frederick S. Mueller, dated October 11, 1990,

and where the documents reviewed and relied upon in preparing the above-described correspondence are located.

Also please state whether or not the Region or the Agency will object to Wausau's review of the documents which the Region reviewed in preparation of the above-described correspondence, or any part of the documents, or whether the Agency or the Region will object to providing us with copies of the documents the Region reviewed, at our expense, not to exceed \$.10 per page, or the customary fee, whichever is less. Furthermore, please specifically identify and list any source of information the Region reviewed or considered prior to preparing the Region's correspondence dated April 29, 1992, August 9, 1991 and June 10, 1991 that is not found in the Administrative Record as of the April 29, 1992 date, as the Administrative Record was compromised as of April 29, 1992 in the Records Center, U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois.

REGION ACTIVITIES REQUEST

The "preliminary decision" of June 2, 1992 indicates that the Region, or its agents, contractors or subcontractors performed various tasks at the CIW Site in Romulus, Michigan (the "Site"). The "preliminary decision" of June 2, 1992 identifies the Region's

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 3

correspondence of April 29, 1992 as its source of information relating to the Region's "fund-financed" activities at the Site. In conjunction therewith, the following inquiries must be answered by the Region, and if answered in the affirmative, the following documents provided to us at our expense, not to exceed \$.10 per page, or the customary fee, whichever is less, in order for Wausau to provide comments responsive to the "preliminary decision" of June 2, 1992:

2. Please state whether there is or was an On-Scene Coordinator's report or reports prepared by Mr. Guria or by any contractor or subcontractor by or for the Agency or the Region, or any other writings relating to or concerning the cleanup activities at the Site (Fund-initiated activities or PRP-initiated activities or both), or cleanup activities initiated by any other person or entity. If so, please provide us with the report or reports prepared by Mr. Guria or by a contractor or subcontractor by or for the Agency or the Region relating to the "fund-initiated" or PRP-initiated activities.

3. Please state whether there is or was an Agency or Region report, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region, or any other writings relating to or concerning the activities described immediately below in subparagraphs (a) through (e), and as further described on page 8 of the "preliminary decision" of June 2, 1992, and as described on page 2 of the Region's correspondence dated April 29, 1992:

- a. the consolidation 34 drums of inert/basic solids into a 20 cubic yard rolloff box and shipment as a waste corrosive solid (a total of 12 tons) to a landfill for pre-treatment and disposal;
- b. the characterization and disposal of 14 drums (720 gallons) of sulfuric acid as waste corrosive materials;
- c. the shipment of two drums of sodium hydroxide and four drums (85 tons) of activated alumina to the original chemical manufacturers;
- d. the sampling, characterization and disposal of eight drums (440 gallons) of "previously unknown liquids" as F002 waste (chlorinated solvents); and
- e. the containment and disposal of all bagged chemicals/materials that "remained on site."

If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor and

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 4

subcontractor by or for the Agency or the Region, and the report or reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to the reported activities described above in this paragraph and on page 8 of the "preliminary decision" of June 2, 1992, and on page 2 of the Region's correspondence of April 29, 1992.

4. Please state whether there is or was an Agency or Region report or reports, or a report prepared by a contractor or subcontractor by or for the Agency or the Region and any other writings relating to "the subsequent removal activities performed by the Region at the warehouse tank" described on page 9 of the "preliminary decision" of June 2, 1992, but not addressed in the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report, or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to the subsequent tank removal activities reportedly performed at the "warehouse tank" by the Region.

5. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to "recent test results on tank T018" described on page 9 of the "preliminary decision" of June 2, 1992, but not addressed in the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to the activities reportedly performed regarding tank T018.

6. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to the Region's reported discovery that only "300 gallons of oil were present" on June 24, 1991 in tank T024, as described on page 10 of the "preliminary decision" of June 2, 1992, but not addressed in the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to the activities reportedly performed regarding tank T024.

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 5

7. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to the activities described immediately following in subparagraphs (a) through (i), and as further described on page 10 of the "preliminary decision" of June 2, 1992, and as described on pages 1 and 2 of the Region's correspondence dated April 29, 1992:

- a. the disposal of 8 drums of "hazardous waste oil as a D-listed waste at a RCRA approved incineration facility";
- b. the disposal of 31 drums (1705 gallons) "of waste sludge as waste combustible liquids";
- c. the disposal and characterization of 4,500 gallons of "hazardous liquids characterized as F002 waste which was comprised of aqueous liquids from the remaining tanks and the decontaminated rinsate generated during the cleanup";
- d. the removal of "underground storage tank (T018)";
- e. the consolidation of tank T018's contents with other materials;
- f. the decontamination, destruction and disposal of tank T018;
- g. the decontamination of "the remaining tanks", and the activities prior to the decontamination of "the remaining tanks" that indicated the presence or lack of presence of PCB contamination in "the remaining tanks";
- h. the "verification that no residual PCBs remained in the tanks"; and
- i. the destruction and disposal of "the remaining tanks."

If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data. any other writings, and copies of all waste manifests prepared relating to the reported activities described above in this paragraph and on page 10 of the "preliminary decision" of June 2, 1992, and as described on pages 1 and 2 of the Region's correspondence dated April 29, 1992.

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus

June 25, 1992

Page 6

8. Please state whether any Toxic Substances Control Act ("TSCA") regulated substance was disposed of during or following the "fund-financed" disposal activities described on pages 3 and 4 of the Region's April 29, 1992 correspondence ("the disposal summary") but not addressed in the Agency's "preliminary decision" of June 2, 1991:

- a. 7/7/91: One cylinder of oxygen gas/non-flammable sent to AL Compressed Gases, Inc., Romulus, Michigan.
- b. 7/1/91: One Cylinder of acetylene/flammable gas sent to AL Compressed Gases, Inc., Romulus, Michigan.
- c. 7/17/91: Four drums consisting of 0.85 tons of activated alumina/non-regulated material sent to Alcoa Aluminum, Bauxite, Arkansas.
- d. 7/18/91: 14 drums consisting of 720 gallons of waste sulfuric acid/corrosive material sent to CyanoKEM, Detroit, Michigan.
- e. 7/18/91: Eight drums consisting of 2.40 tons of ferrous sulfate/non-regulated material sent to CyanoKEM, Detroit, Michigan.
- f. 7/18/91: 0.40 tons of ferrous sulfate/non-regulated material sent to CyanoKEM, Detroit, Michigan.
- g. 9/18/91: Eight drums consisting of 440 gallons of hazardous waste liquid/other regulated material sent to Environmental Waste Control, Inkster, Michigan.
- h. 9/30/91: 4500 gallons (one tank truck) of hazardous waste liquid/other regulated material sent to Environmental Waste Control, Inkster, Michigan.
- i. 9/30/91: 31 drums consisting of 1705 gallons of waste combustible liquid sent to Clark Processing, Dayton, Ohio.
- j. 10/3/91: 17 tons of corrosive solid sent to Envirosafe Services, Oregon, Ohio.
- k. 10/7/91: One ton of corrosive solid sent to Envirosafe Services, Oregon, Ohio.
- l. 10/9/91: Eight drums consisting of 440 gallons of waste oil/combustible liquid sent to APTUS, Lakeville, Minnesota.

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 7

- m. 10/9/91: 43 drums of hazardous waste solid/other regulated material (labpacks) sent to ThermalKEM, Rock Hill, South Carolina.
- n. 10/25/91: One drum consisting of 0.40 tons of hazardous waste solid/other regulated material sent to CyanoKEM, Detroit, Michigan.

If so, please identify and describe each such TSCA regulated substance, and its volume and location at the Site prior to the disposal activities described on pages 3 and 4 of the Region's correspondence of April 29, 1992.

9. Irrespective of whether the activities described in the preceding paragraph involved TSCA regulated substances, please state whether there is or was an Agency or Region report or reports prepared by a contractor or subcontractor by or for the Agency or the Region, or any other writings relating to the activities described in the preceding paragraph, and as described on pages 3 and 4 of the Region's correspondence dated April 29, 1992 but not addressed in the Agency's "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or Region, and the reports of analyses relating thereto, supporting documents and data, any other writings, and copies of all waste manifests prepared relating to activities described in the preceding paragraph and as described on pages 3 and 4 of the Region's correspondence of April 29, 1992 (in the "disposal summary").

10. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or Region or any other writings relating to "soil sampling", the digging of "test pits" and the collection of "soil samples" and the characterization of the "type and extent of soil contamination at tank (T018)" as described on page 11 of the "preliminary decision" of June 2, 1992, and as partially described on page 2 of the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, including, without limitation, the reports of analysis that "showed elevated levels of hydrocarbon contamination above the State of Michigan BTEX (Benzene, Toluene, Ethylbenzene and Xylene) standards for soils", as described on page 11 of the "preliminary decision" of June 2, 1992, and as described on page 2 of the Region's correspondence of April 29, 1992, and the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 8

the reported excavation materials removed from the "test pits" at the Site.

11. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor or any other writings relating to "the volume of contaminated soil which needed to be removed was beyond the scope of emergency response," as described on page 2 of the Region's correspondence of April 29, 1992, but not addressed in the Agency's "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, including, without limitation the report or reports of analyses of surface and subsurface soils indicating, inter alia, the lateral and vertical extent of total petroleum hydrocarbon presence at the Site, "the scope of emergency response" for this Site, the supporting documents and data, any other writings, and copies of all waste manifests relating to the soil at or near the soil "which needed to be removed," as described on page 2 of the Region's correspondence of April 29, 1992.

12. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to the Region's reported discovery of "elevated levels of PCBs at the sinks and tables in the laboratory", described on page 11 of the "preliminary decision" of June 2, 1992 but not addressed in the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to materials discovered "at the sinks and tables in the laboratory" at any time.

13. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency or any other writings relating to the reported decontamination of "the floors and walls of the CIW block building", and whether or not there is or was an Agency or Region report or a report prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to the activities, if any, including without limitation, reports or summaries of sampling and/or analyses that were performed prior to the reported decontamination of "the floors and walls of the CIW block building", that indicated the presence or lack of presence of PCB contamination of "the floors and walls of the CIW block building" described on page 12 of the "preliminary

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 9

decision" of June 2, 1992 and as described on page 2 of the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports and the reports or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, and any such reports or summaries that were prepared prior to the reported decontamination activities, and the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to materials associated with the alleged contamination thereof, and relating to the reported decontamination of "the floors and walls of the CIW block building."

14. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor or any other writings relating to the activities described immediately below in subparagraphs (a) through (d) as further described on page 12 of the "preliminary decision" of June 2, 1992, but not addressed in the Region's correspondence of April 29, 1992:

- a. the determination that "extensive hydrocarbon contamination still existed in the site soils, including soil contamination at the previous location of the concrete pads and diked areas";
- b. the discovery of "large oil filters and air purifying cartridges in the excavation area of the contaminated structures";
- c. the determination that the structures at the Site were "contaminated"; and
- d. the discovery of "12 containers of used oil ranging from one quart to five gallons."

If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to the reported activities described above in this paragraph and on page 12 of the "preliminary decision" of June 2, 1992, but not addressed in the Region's correspondence of April 29, 1992.

15. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to the Region's reported determination that PCB levels greater than "10mg/kg (11 ppm) existed in the soil [in the

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 10

area] between the above ground tanks and the exterior walls of the warehouse and the laboratory", described on page 13 of the "preliminary decision" dated June 2, 1992, but not addressed in the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and any other writings, and copies of all waste manifests prepared relating to materials associated with or disposed with "the soil [in the area] between the above ground tanks and the exterior walls of the warehouse and the laboratory."

16. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or a subcontractor by or for the Agency or the Region or any other writings relating to the removal of the "concrete footings from the former tank farm containment structure along with a stockpile of other concrete footings" described on page 14 of the "preliminary decision" dated June 2, 1992, and as described on page 2 of the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to materials associated with or disposed with the "concrete footings from the former tank farm containment structure" and the "stockpile of other concrete footings."

17. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to the regrading of "the soil on the site to an acceptable slope in order to control erosion" described on page 14 of the "preliminary decision" dated June 2, 1992, and as described on page 2 of the Region's correspondence of April 29, 1992. If so, please provide us with the Agency or Region report or reports and the reports or reports prepared for materials and soils by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and any other writings, and copies of all waste manifests prepared relating to materials or soil disposed with the regraded/graded "soil on the site."

18. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings relating to the reported disposal of "all personal protective clothing and miscellaneous debris generated during the

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 11

cleanup into 43 fiber drums...as F002 waste", described on page 14 of the "preliminary decision" dated June 2, 1992, and as described on page 3 of the Region's correspondence of April 29, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all wastes manifests prepared relating to the reported disposal of "all personal protective clothing and miscellaneous debris generated during the cleanup...as F002 waste."

19. Inasmuch as the Region prepared certain correspondence dated June 10, 1991, August 9, 1991 and April 29, 1992, which correspondence is referred to in the "preliminary decision" of June 2, 1992, and which correspondence formed part or all of the basis of the Agency's "preliminary decision" of June 2, 1992, please identify each and every Agency or Region document, report, other writings or summary, prepared by the Agency or the Region, or prepared by a contractor or subcontractor by or for the Agency or the Region, not otherwise disclosed pursuant to this letter, that was reviewed or considered by the Region in preparing the correspondence from the Region to Mr. Frederick S. Mueller dated June 10, 1991; from the Region to Mr. Frederick S. Mueller dated August 9, 1991; and from the Region to Mr. Fred Zimmerman dated April 29, 1992.

PROTOCOLS, SUPPORTING DOCUMENTS AND PLANS REQUEST

Furthermore, the following inquiries must be answered by the Region, and if answered in the affirmative, the following documents provided to us at our expense, not to exceed \$.10 per page, or the customary fee, whichever is less, in order for Wausau to provide comments responsive to the "preliminary decision" of June 2, 1992:

20. Please state whether there is or was a report or reports prepared by the Agency or the Region, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region, or any other writings relating to Site stabilization activities. If so, please provide us with the Agency and the Region report or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to any stabilization activities at the Site.

21. Please state whether there are or were field notes prepared by the Oversight (TAT) contractor or prepared by the Agency or Regional On-Scene Field Coordinator, or any contractor or subcontractor by or for the Agency or the Region. If so, please provide us with copies of the field notes prepared by the Oversight

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 12

(TAT) contractor and the Agency or Regional On-Scene Field Coordinator and the contractor or subcontractor by or for the Agency or the Region.

22. Please state whether there is or was a photographic log prepared by the Agency or the Region or a photographic log prepared by a contractor or subcontractor by or for the Agency or the Region including, without limitation, photographic logs prepared by the Oversight (TAT) contractor. If so, please provide us with copies of the Agency and Region Site photographic log and the photographic log prepared by the contractor or subcontractor by or for the Agency or the Region.

23. Please state whether the Agency, the Region or a contractor or subcontractor by or for the Agency or the Region, took photographs at or near the Site relating to the Site or Site activities (including, without limitation, photographs of samples, equipment, Site conditions, and so on, at, or otherwise associated with the Site). If so, please furnish us, at our expense, with duplicates of all the Agency's and the Region's photographs and the photographs taken by the contractor or subcontractor by or for the Agency or the Region relating to, or referred to in, or part of, any Agency or Region record, report, file or report or file prepared or maintained by a contractor or subcontractor concerning the CIW Site in Romulus, Michigan.

24. Please state whether there are or were plans prepared by the Agency or the Region for field sampling or analysis at the Site, or whether plans were prepared by a contractor or subcontractor by or for the Agency or the Region, including without limitation: (a) plans for field sampling that describe the number, type and location of samples and the type of analysis performed or to be performed, and (b) the plan for Quality Assurance. If so, please provide us with the Agency and the Region field sampling and analysis plans, or such plans that were prepared by a contractor or subcontractor by or for the Agency or the Region.

25. Please state whether there are or were survey notes prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region showing the location of the samples, and/or the elevations, and/or the benchmark locations used in establishing reference points, and/or showing the locations of each or any of these items relative to the Site's natural features, buildings or other improvements. If so, please provide us with the Agency and the Region survey notes or such notes and drawings or writings prepared by the contractor or subcontractor showing the sample locations, and/or the elevations, and/or the benchmarks, and/or locations, or any of them, and any drawings or writings prepared by the Agency or the Region or by a

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 13

contractor or subcontractor by or for the Agency or the Region relating thereto.

26. Please state whether there is or was a field investigation report or reports prepared by the Agency or by the Region or prepared by the On-Scene Coordinator, or prepared by a contractor or subcontractor by or for the Agency or the Region. If so, please provide us with the field investigation report or reports prepared by the Agency or the Region and those such reports prepared by the contractor or subcontractor by or for the Agency or the Region.

27. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region documenting field sampling methods, locations, decontamination protocols and other details involving or concerning the collection of samples at the Site. If so, please provide us with the Agency and the Region report or reports, and such reports that were prepared by the contractor or subcontractor by or for the Agency or the Region.

28. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region, identifying or summarizing the final data from the total petroleum hydrocarbon analyses, if any, (or such other parameters as were used, if any, to assess the magnitude and extent of non-PCB hydrocarbon contamination), and any report or reports prepared by the Agency or the Region or by a contractor or subcontractor by or for the Agency or the Region identifying or summarizing the total PCB contamination at the Site. This request includes a request for data found in reports, documents or summaries identifying in whole or in part:

- a. Narratives, analytical methods and procedures and any problems identified during the sampling or analyses;
- b. The identification of the analytical methodology used in each of the analyses;
- c. The dates that the samples were collected, extracted and analyzed;
- d. The surrogate compound percent recoveries and control limits; and
- e. The matrix/spike and matrix/spike duplicates (percent recoveries and RPDs calculated and control limits specified for organic analyses);

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 14

- f. The PQLs or MDLs specified for each method used;
- g. The dilution factors identified (as required);
- h. The chain of custody forms; and
- i. The Agency or the Region report or reports on the assessment and validation of the data.

If so, please provide us with the Agency and the Region report or reports and the report or reports prepared by the contractor or subcontractor identifying such data or parts thereof concerning PCB and total petroleum hydrocarbon, or such other parameters as were used, if any, to assess the magnitude and extent of PCB and non-PCB hydrocarbon contamination at the Site.

29. Please state whether there is or was a report or reports prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region, or any other writings showing the lateral and vertical contaminant boundaries for both the alleged PCB contamination, and the hydrocarbon contamination. If so, please provide us with the Agency and the Region report or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region or any other writings showing such contamination boundaries.

30. Please state whether there is or was a report or reports prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region, or any other writings showing the design (with specifications) for the "fund-financed" removal action. If so, please provide us with the Agency and the Region report or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, or any other writings that show such design and specifications.

31. Please state whether there is or was a report or reports prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region, or any other writings relating to the decontamination protocol(s) and the protocols used in the reported decontaminating activities at the alleged PCB-contaminated structures and vessels, and a list of the TSCA approved solvents used in the reported decontamination. If so, please provide us with the Agency and the Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region or any other writings relating to said protocols.

32. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 15

prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings reporting or summarizing the actions performed during the "fund-financed" final removal action reportedly completed by the Region. If so, please provide us with the Agency and Region final removal action report, or such report or reports or any other writings as were prepared by a contractor or subcontractor by or for the Agency or the Region.

33. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings directed to the Michigan Department of Natural Resources ("MDNR") relating to the Site. If so, please provide us with the Agency and the Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region or any other writings directed to MDNR by the Agency or the Region, or any contractor or subcontractor by or for the Agency or the Region.

34. Please state whether there is or was a report or reports prepared by the MDNR or a report or reports prepared by a contractor by or for the MDNR, or any other writings directed to the Agency, the Region, or any other person relating to the Site. If so, please provide us with the MDNR report or reports and the report or reports prepared by the contractor or subcontractor by or for the MDNR, or any other writings directed to the Agency, the Region or any other person from MDNR relating to the Site.

35. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region or any other writings including without limitation, the USEPA "SPUR" reports reporting or summarizing all costs associated with cleanup activities at the Site, which costs include, but are not limited to: response costs, non-response costs, remedial costs, administrative costs, direct costs, indirect costs, intramural costs and extramural costs, and whether or not such costs relate to "fund-initiated" activities or other PRP-initiated activities at the Site. If so, please provide us with the Agency or the Region report or reports and the report or reports prepared by the contractor or subcontractor or any other writings relating to such costs directly or indirectly associated with "fund-initiated" activities or other-initiated activities, including, without limitation, cleanup activities associated with the Site.

36. Please state whether there is or was a report or reports prepared by the Agency or the Region, as a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region, or any other writings relating to a confirmatory sampling program or plan, or the actual confirmatory sampling and

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 16

analyses, if any. If so, please provide us with the Agency and the Region report or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, any other writings, and copies of all waste manifests prepared relating to a confirmatory sampling program or plan, or the actual confirmatory sampling and analyses, if any.

REGION ADMINISTRATIVE RECORD REQUESTS

37. Please state whether there is or was a separate Administrative Record, or more than one Administrative Record or any record(s), at the Region V Offices in Chicago, Illinois (or any other location) where documents, reports or summaries are available to the public, the Region or the Agency regarding this Site or the activities that occurred there. If so, please describe the location and protocol for reviewing the Administrative Record or the Administrative Records, or other Site records at the Region's Offices in Chicago, Illinois.

38. To the extent that there is a separate Administrative Record, or any Site records at the Region's Offices in Chicago, Illinois (or any other location), please provide us with an official, certified copy of an index describing every document, report, summary, photograph or other evidence found in such Administrative Record or Administrative Records, or other Site records at the Region's offices; and furthermore, please certify that all of the documents provided pursuant to this letter are true, accurate and authentic reproductions of the documents found and maintained by the Agency or the Region. Furthermore, please furnish us at our expense not to exceed \$.10 per page, or the customary fee, whichever is less, photocopies of each document listed in the index or indices of the records found and maintained by or for the Region not otherwise provided pursuant to this request.

THE ADMINISTRATIVE RECORDS

39. In addition, during a recent visit to the USEPA's, Region V Records Center (7th Floor, Ralph Metcalfe Building) we noticed that several of Wausau's documents previously submitted to USEPA are either specifically absent from the Administrative Record or not independently indexed therein. We found this to be the case for the "Administrative Record for the CIW Site" as well as the case in the separate "Administrative Record for the Petition for Reimbursement." Inasmuch as the following documents must be included with the Administrative Record or the Administrative Records, please verify whether or not the following documents have been included, and if not please explain their absence, or in lieu of an explanation, please verify that the following documents are

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus
June 25, 1992
Page 17

included, in their entirety, specifically indexed, and independently available as part of the "Administrative Record for the CIW Site", as well as the "Administrative Record for the Petition for Reimbursement":

- a. The Emergency Response Action Plan, dated February, 1990, (ERAP), and forwarded to USEPA with correspondence dated February 22, 1990;
- b. The February 22, 1990 correspondence from Mr. Frederick S. Mueller to the Region;
- c. The Response Action Report, dated February, 1991, (RAR), and forwarded to USEPA with correspondence dated February 21, 1991;
- d. The February 21, 1991 correspondence from Mr. Frederick S. Mueller to the Region;
- e. The Post Remedial Action Report, dated July, 1991, (PRACC), and forwarded to USEPA with correspondence dated July 9, 1991;
- f. The July 9, 1991 correspondence from Mr. Frederick S. Mueller to the Region;
- g. The Supplemental Post Remedial Action Report, dated May, 1992, (SPRACC), and forwarded to USEPA with correspondence dated May 26, 1992;
- h. The May 26, 1992 correspondence from Mr. Frederick S. Mueller to the Region;
- i. The Affidavit of Howard Aidenbaum, dated December 19, 1989, and delivered to USEPA on December 21, 1989;
- j. The October 24, 1990 correspondence from Mr. Frederick S. Mueller to the Region;
- k. The October 22, 1990 correspondence from Mr. Brett L. Warning of the Region to Conestoga-Rovers & Associates;
- l. The correspondence dated on or about October 1, 1990 from Conestoga-Rovers & Associates to the Region;
- m. The September 28, 1990 correspondence from Mr. Frederick S. Mueller to the Region;
- n. The September 21, 1990 correspondence from Mr. Frederick S. Mueller to the Region;

JOHNSON & BELL, LTD.

Mr. Valdas K. Adamkus

June 25, 1992

Page 18

- o. The August 20, 1990 correspondence from Mr. Frederick S. Mueller to the Region;
- p. The February 1, 1991 correspondence from Conestoga-Rovers & Associates to Mr. Guria of the Region;
- q. The June 18, 1991 correspondence from Mr. Frederick S. Mueller to the Region;
- r. The June 20, 1991 correspondence from Mr. Frederick S. Mueller to the Region;
- s. The June 21, 1991 correspondence from Mr. Frederick S. Mueller to the Region;
- t. The July 3, 1991 correspondence from Mr. Frederick S. Mueller to the Region;
- u. The June 18, 1992 correspondence from Mr. William J. Anaya to Mr. Fred Zimmerman of USEPA Headquarters in Washington, D.C.; and
- v. The June 25, 1992 correspondence from Mr. William J. Anaya to the Region (this correspondence).

If the documents and other correspondence identified in subparagraphs (a) through (v) above are in the "Administrative Record for the CIW Site", or the separate "Administrative Record for the Petition for Reimbursement", state the date that each document in (a) through (v) was included in the Administrative Record or Administrative Records, and the date each was made available for review by the general public and Wausau.

40. Please state the date the Agency or the Region created the separate "Administrative Record for the Petition for Reimbursement", and further, please state the first day that the separate "Administrative Record for the Petition for Reimbursement" was available for review by the general public and by Wausau.

REQUESTED RESPONSE DATE

Finally, in the interest of expediting the Agency's "final determination" of Wausau's Petition for Reimbursement, we respectfully request the Region to answer our inquiries and provide us with the requested documents within 10 days. In addition, we respectfully request that this correspondence be made a part of USEPA's Administrative Record, but this correspondence should not be construed as Wausau's only comments to the "preliminary decision" of June 2, 1992, or to the Region's previous correspondence of April 29, 1992. Instead, this correspondence is

JOHNSON & BELL, LTD.

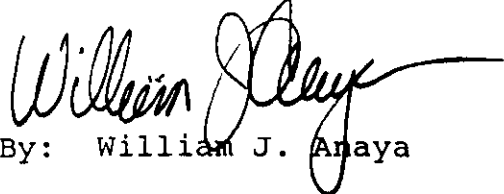
Mr. Valdas K. Adamkus
June 25, 1992
Page 19

simply Wausau's request for information and documents in the Region's possession or control that will enable Wausau to comment upon the "preliminary decision" of June 2, 1992, and to provide complete documentation for the Administrative Record or Administrative Records.

Thank you for your prompt attention to this matter.

Very truly yours,

JOHNSON & BELL, LTD.


By: William J. Anaya

WJA/gj
cc: Mr. Fred Zimmerman/USEPA